

# Sumter City-County Board of Zoning Appeals

May 9, 2012

## **BOA-12-19, 4790 Amonn Rd. (County)**

The applicant is requesting Special Exception approval to construct Poultry Houses per Article 3, Section 3.n.4.b, Article 3, Exhibit 5 and Article 5, Section 5.b.3.g Special Design Review Criteria. The property is located at 4790 Amonn Rd. and is represented by Tax Map # 241-00-01-012



Appeals - Variance - Special Exception

# Sumter City-County Board of Appeals

May 9, 2012

## **BOA-12-19, Poultry House at 4790 Amonn Rd. (County)**

### **I. THE REQUEST**

**Applicant:** Richard L. McDaniel, Jr.

**Status of the Applicant:** Business Owner

**Request:** Special Exception approval to construct Poultry Houses per Article 3, Section 3.n.4.b, Article 3, Exhibit 5 and Article 5, Section 5.b.3.g

**Location:** 4790 Amonn Rd.

**Present Use/Zoning:** Undeveloped Agricultural Land/AC (Agricultural Conservation)

**Tax Map Reference:** 241-00-01-012

### **II. BACKGROUND**

The applicant plans to construct a new poultry house facility in the County on a vacant agricultural parcel in the AC (Agricultural Conservation) zoning district. The facility will be for the production of Turkeys, and will consist of eight (8) 50' x 400' turkey barns spaced 100 feet apart as shown on the site plan (attachment 1).

Poultry Houses are required to be reviewed and approved as a Special Exception. Special Exceptions are to be evaluated in accordance with Article 1, Section 1.h.4.c and Article 3, Section 3.n.4.b and in accordance with Article 5, Section 5.b.3.g in the Sumter County Zoning & Development Standards Ordinance.

#### **Article 5 Section 5.b.3.g Poultry Houses:**

- 1. This use shall not be located closer than one thousand (1000 ft) feet to any adjacent residential use on a separately platted parcel under separate ownership.*

#### **Article 1 Section 1.h.4.c Special Exceptions:**

1. *Special exceptions are subject to the terms and conditions for the use set forth for such uses in the Zoning Ordinance.*
2. *Permits for Special Exceptions shall be evaluated by the Board of Zoning Appeals on the basis of the following criteria:*
  - a. *That the Special Exception complies with all applicable development standards contained elsewhere in this Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements.*

This is an agricultural use which has no site plan requirements other than setback, height & separation standards for the zoning district.

- b. *That the special exception will be in substantial harmony with the area in which it is located.*

The proposed use is located at the end of a +/- 0.85 mile long County dirt road. The nearest adjacent residences are both +/- 1356 feet away from the proposed use. The area is of a very rural character, with predominantly agricultural fields and woods and an occasional residence along Amonn Rd.

- c. *That the special exception will not discourage or negate the use of surrounding property for use(s) permitted by right.*

This use will not discourage or negate the use of surrounding property for uses permitted by right in the agricultural conservation zoning district. The AC district is intended to “protect and preserve areas of the county uniquely suited to agricultural use.” This location meets the 1000 ft. separation requirement from a residential use.

In addition to meeting the above referenced criteria, the applicant has submitted documentation showing that the proposed use meets all State DHEC and Stormwater management requirements through submission of state application documentation and approval letters from the appropriate state agencies.

**Below:** Photo from driveway of the parcel where the proposed poultry house facility is to be located.





**Above:** View looking back towards Amonn Road from the proposed Poultry House facility.

**Below:** Aerial of parcel showing the area for the proposed use outlined in blue.







**Above:** Views of the area where the proposed Poultry Houses will be located. Site clearing has begun at the location.

### **III. STAFF RECOMMENDATION**

Staff has visited the site and reviewed the request, and finds that this use meets the separation requirements and the intent of the special exception criteria. In addition, the applicant has obtained approvals from other relevant state agencies to undertake the proposed poultry operation. Staff recommends approval of the request.

### **IV. DRAFT MOTIONS**

- A.** I move that the Sumter Board of Appeals approve BOA-12-19 subject to the findings of fact and conclusions contained in the draft order dated May 9, 2012, attached as Exhibit 1.
- B.** I move that the Sumter Board of Appeals deny BOA-12-19 on the following findings of fact and conclusions:
- C.** I move that the Zoning Board of Appeals enter an alternative motion for BOA-12-19.

### **V. BOARD OF ZONING APPEALS – MAY 9, 2012**

The Sumter City-County Board of Appeals at its meeting on Wednesday, May 9, 2012, voted to approve this request subject to the findings of facts and conclusions listed on exhibit 1.

# **Exhibit 1**

## **Order on Special Exception Application**

### **Sumter Board of Appeals**

**BOA-12-19, 4790 Amonn Rd., Sumter, SC.**  
**May 9, 2012**

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Date Filed: March 19, 2012

Permit Case No. BOA-12-19

The Board of Zoning Appeals held a public hearing on Wednesday, May 9, 2012 to consider the request of Richard L. McDaniel, Jr., 5450 Dubose Siding Rd, Sumter, SC for a special exception which may be permitted by the Board pursuant to Sections 1.h.4.c, 3.n.4.b, and 5.b.3.g of the Sumter County Zoning & Development Standards Ordinance as set forth on Form 4 for the property described on Form 1 to be used for: Poultry Farm Operation.

After the consideration of the evidence and arguments presented, the Board makes the following findings of fact and conclusions.

1. The Board concludes that the standards in Sections 5.b.3.g of the County Of Sumter Zoning & Development Standards Ordinance which are applicable to the proposed special exception of the Zoning Ordinance ☒ **have** - ☐ **have not** been met based on the following findings of fact:
  - a) The Board finds the location of the proposed Poultry House meets the Ordinance separation requirement of 1000 ft. from structure to structure from a residential use.
2. The Board concludes that the special exception ☒ **does** - ☐ **does not** comply with all other applicable development standards contained elsewhere in the Sumter County Zoning Ordinance, including landscaping and bufferyards, off-street parking, and dimensional requirements based on the following findings of fact:
  - a) The proposed use is agricultural and therefore has no bufferyard, landscaping or other site plan requirements other than setback standards, height and separation between buildings for the zoning district;
3. The Board concludes that the proposed special exception ☒ **will** - ☐ **will not** be in substantial harmony with the area in which it is located based on the following findings of fact:
  - a) The separation criteria set by the ordinance is met, and the proposed use is compatible with the character of the district because it is an area comprised largely of vacant agricultural land and woods;

4. The Board concludes the special exception ☐ **will** - ☒ **will not** discourage or negate the use of surrounding property for uses(s) permitted by right based on the following findings of fact:

- a) This district is very sparsely populated and the adjacent residential uses are more than 1300 feet from the proposed use;

THE BOARD, THEREFORE, ORDERS that the special exception is ☐ **DENIED** – ☒ **GRANTED with the following conditions:**

Approved by the Board by majority vote.

Date issued: \_\_\_\_\_

\_\_\_\_\_  
Chairman

Date mailed to parties in interest: \_\_\_\_\_

\_\_\_\_\_  
Secretary

**Notice of appeal to Circuit Court must be filed within 30 days after date this Order was mailed.**

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